

TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY  
MINUTES

**DATE:** November 3-5, 2004

**TIME:** 9:00 a.m., CST

**LOCATION:** Tennessee Room  
Ground Floor, Cordell Hull Building  
Nashville, TN

**BOARD MEMBERS**

**PRESENT:** Debra Davenport, M.A., Sr. P.E., Chair  
Denise Davis, Ph.D., Vice Chair  
Carl Gilleylen, Psy.D.  
Robert Kores, Ph.D.  
Janice Martin, Ph.D.  
William Vaughan, Ph.D., Sr. P.E.

**BOARD MEMBERS**

**ABSENT:** Carolyn West-Willette, Ed.D.  
Michael Stagg, Esq.

**STAFF**

**PRESENT:** Melody Spitznas, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Rick Agee, Unit Director  
Jerry Kosten, Rules Coordinator  
Robbie Bell, Director  
Barbara Maxwell, Administrative Director

Ms. Davenport, chair called the meeting to order at 9:05 a.m. A sufficient number of board members were present to constitute a quorum.

**Conflict of Interest**

Ms. Armstrong reviewed the conflict of interest policy statement and informed the board members the policy statement is always in the board books for reference.

**Office of General Counsel (OGC) Report**

Ms. Armstrong reviewed the Office of General Counsel stating Rule 1180-1-.10 regarding Order of Compliance/Modification and personal appearances by disciplined licensees became effective October 23, 2004.

Ms. Armstrong said Rule 1180-1-.04, 1180-2, -3, 04-.03 regarding temporary authorization to practice and the submission of a copy of an applicant's birth certification with the application and Rule 1180-1-.06, .08 regarding recordkeeping requirements and continuing education are in the Attorney General's Office for review.

Ms. Armstrong stated there are twenty-nine (29) cases in OGC involving twenty-one (21) licensees, seventeen (17) against Psychologists and four (4) against Psychological Examiners.

### **Disciplinary Report**

Ms. Phelps stated there are eight (8) practitioners being monitored as a result of disciplinary orders. Ms. Phelps said if a disciplined practitioner fails to comply with the order it would come before the board as a case hearing.

Ms. Phelps said thirty-two (32) psychologists and twelve (12) psychological examiners have been disciplined since 1985.

### **Investigative Report**

Ms. Phelps said of the sixteen (16) complaints received thirteen (13) were closed, five (5) with no action and eight (8) referred to the Office of General Counsel. Ms. Phelps said one allegation was sex related, two were for unprofessional conduct and ten were classified as other.

### **Agreed Order for Mark Kleiman, Ph.D.**

Ms. Armstrong presented an agreed order to the board for Mark Kleiman, Ph.D. Ms. Armstrong said Dr. Kleiman appeared before the screening panel and the discipline recommended by the panel mirrors the penalty which places Dr. Kleiman's license on probation until December 20, 2006, requires him to pay a civil penalty of \$500 and case costs, obtain supervision and submit quarterly reports, complete his continuing education and maintain advocacy of the RAMP program.

Upon review of the agreed order, Ms. Davenport made a motion, seconded by Dr. Kores, to accept the agreed order. The motion carried.

### **Report from Jerry Kosten, Rules Coordinator**

Mr. Kosten stated he received questions for the jurisprudence examination from Dr. Davis and Dr. Kores. Mr. Kosten said he also drafted some questions for the examination. Mr. Kosten said he was lacking questions regarding the code of ethics and asked Dr. Davis and Dr. Kores to write additional questions in that area.

Ms. Davenport suggested that Ms. Spitznas contact the ASPPB for guidelines on questions relating to the code of ethics.

Ms. Kosten stated the rulemaking hearing will be held December 4, 2004 and the rule should become effective in late summer.

## **Review Minutes**

Upon review and correction of the September 1, 2004 minutes, Dr. Martin made a motion, seconded by Dr. Kores, to ratify the minutes as corrected. The motion carried.

## **Review and make changes to applications**

Ms. Armstrong asked the board to review the amended applications for psychologist and certified psychological assistants for approval at the January 12, 2005 board meeting.

## **Administrative Report**

Ms. Spitznas reviewed the administrative report stating there are 1231 licensed psychologists and 650 licensed psychological examiners.

Ms. Spitznas said between August 24, 2004 and October 28, 2004, 23 psychologists and 10 psychological examiners renewed their licenses online.

Ms. Spitznas stated the continuing education audit is complete and she will have the results of the audit ready for the January meeting.

## **Contested case hearing against David Sabatino, Ph.D.**

The board was presented a case hearing by Mr. Harry Weddle, Litigating Attorney, for David Sabatino, Ph.D.

Administrative Law Judge, Todd Kelly, presided over the hearing and asked all board members to introduce themselves and state whether or not they have had communication with Dr. Sabatino.

With no board member having communication with Dr. Sabatino, Mr. Weddle made a motion to proceed in a default status as Dr. Sabatino, nor counsel on his behalf, were not present at the hearing.

Dr. Martin made a motion, seconded by Dr. Davis, to proceed in a default status. The motion carried.

Upon review of the evidence presented, Dr. Vaughan made a motion, seconded by Dr. Kores, to accept the findings of facts with the exception of paragraphs twelve (12) and fourteen (14). The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to accept the causes of action as the conclusions of law with the exception of any references to paragraphs twelve (12) and fourteen (14). The motion carried.

Ms. Davenport made a motion, seconded by Dr. Kores, to assess Dr. Sabatino with sixteen (16) Type A civil penalties of \$1,000 each, pay all costs of the hearing and revoke his license permanently with no consideration of licensure in the State of Tennessee. The motion carried.

Ms. Davenport stated the Board of Examiners in Psychology took this action in order to enforce the statutory laws and rules governing the professional practice of psychology in the State of Tennessee and in order to protect the health, safety and welfare of the citizens of the State of Tennessee from this pattern of abuse and gross malpractice.

### **Licensure denial appeal by Adam McLain**

The board was presented a licensure denial appeal by Mr. Harry Weddle, Litigating Attorney, for Adam McLain, Ph.D. who is asking the board to determine his internship program is equivalent to an APA or APPIC internship program.

Administrative Law Judge, Todd Kelly, presided over the hearing and asked all board members to introduce themselves and state whether or not they have had communication with Dr. McLain. With no board member having communication with Dr. McLain the appeal continued.

Upon conclusion of Dr. McLain's testimony regarding his internship program, Dr. Martin made a motion seconded by Dr. Davis, to accept the findings of fact that Dr. McLain's internship program was not APA or APPIC approved.

Ms. Davenport stated the Board of Examiners in Psychology took this action in order to enforce the statutory laws and rules governing the professional practice of psychology in the State of Tennessee and in order to protect the health, safety and welfare of the citizens of the State of Tennessee.

Upon conclusion of the licensure denial appeal, Dr. Martin made a motion, seconded by Dr. Vaughan, to have the rules mirror the statute pertaining to internship programs. The motion carried. Dr. Kores and Dr. Gilleylen voted no and Ms. Davenport abstained from voting.

Mr. Kosten agreed to amend the rules to allow the internship program to be met in one of three ways, equivalent of an APA program, an APPIC program or equivalent. Mr. Kosten stated the hearing would be held January 16, 2005.

### **Application Review**

Dr. Davis made a motion, seconded by Dr. Kores, to delay approval of the psychological examiner application of **Katherine Dhanerajan** until completion of the required practicum hours. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to schedule **Donna Fridgant, P.E.** for the written examination. The motion carried.

Dr. Davis made a motion, seconded by Dr. Kores, to issue **Brenda Menzies, P.E.** a temporary license and schedule her for the written examination. The motion carried.

Dr. Davis made a motion, seconded by Dr. Vaughan, to schedule **Debra Easterline, P.E.** for the written examination. The motion carried.

Ms. Davenport made a motion, seconded by Dr. Vaughan, to deny the application of **Robert Heroy, P.E.** as he failed to meet the criteria for intervention as noted on the practicum requirements. The motion carried.

Dr. Davis made a motion, seconded by Dr. Kores, to upgrade **Willard Sims, Stephanie Williams, Anthony Daston, Lochia Farrar** to Senior Psychological Examiners. The motion carried.

Dr. Davis made a motion, seconded by Dr. Vaughan, to schedule **Cynthia Day, P.E.** for the written examination. The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Davis, to deny the application of **Roman McPherson, P.E.** as his practicum program did not have an on-site supervisor licensed as a psychologist with HSP designation. The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to delay the application of **Krista Merchant, P.E.** until receipt of a letter of recommendation from a psychologist with HSP designation. The motion carried.

Dr. Martin made a motion, seconded by Dr. Davis, to schedule **Zackary Tureau, Ph.D./HSP** for the written examination, issue **Ronke Lattimore Tapp, Ph.D./HSP** a provisional license and schedule for the written examination, schedule **Kelly Bishop-Diaz, Ph.D./HSP** for the oral examination, issue **Leslie Berkelhammer, Ph.D./HSP** a provisional license and schedule for the written examination and issue **Melissa Bartsch, Ph.D./HSP** a provisional license and schedule for the written examination. The motion carried.

Ms. Davenport made a motion, seconded by Dr. Davis, to issue **Katherine Aynsley McWhorter Corbett, Psy.D./HSP** a provisional license and schedule for the written examination, issue **Martha Dagenhart, Ph.D./HSP** a provisional license and schedule for the written examination and issue **S. Karla Bray, Ph.D./HSP** a temporary license and schedule for the written examination. The motion carried.

Dr. Kores made a motion, seconded by Dr. Gilleylen, to schedule **Charles Michael Douthey, Ph.D.** for the written examination. The motion carried.

Dr. Davis made a motion, seconded by Dr. Vaughan, to deny the request for Health Service Provider designation from **Richard James, Ph.D.** as his postdoctoral supervised experience does not meet the requirements for Tennessee and he did not obtain a provisional license prior to obtaining his postdoctoral experience. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Kores, to delay the application of **Ajanta Roy, Ph.D./HSP** until receipt of a copy of her Visa. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Davis, to schedule **Debra Mae Fish, Ph.D./HSP** for the oral examination. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Kores, to issue **Cherrie Hunter, Psy.D./HSP** a provisional license and schedule for the written examination. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Davis, to issue **James Klosky, Ph.D./HSP** a temporary license and schedule for the oral examination. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Martin, to issue **Robert Paul, Ph.D./HSP** a temporary license and schedule for the oral examination. The motion carried.

### **Ratify newly licensed psychologists and psychological examiners**

Dr. Davis made a motion, seconded by Dr. Kores, to ratify the following newly licensed psychologists:

**Nancy Louise Badger, Ph.D.**

**Elizabeth Muller Capecchi, Ph.D.**

**Jean Mauriello Germain, ph.D.**

**Sharon Gayle Horne, Ph.D.**

**Robert R. Jacobs, Ph.D.**

**Jana Diane Morris Pressley, Psy.D.**

**Daniel J. Sullivan, Psy.D.**

The motion carried.

Dr. Davis made a motion, seconded by Dr. Martin, to ratify the following newly psychological examiners:

**Tracy T. Nichols, P.E.**

The motion carried.

### **Correspondence**

The board reviewed the correspondence from the Association of State and Provincial Psychology Boards regarding the doctoral training programs in psychology that met established criteria.

The board discussed a letter from **Lisa Dorn**, psychology applicant, regarding her supervision in Georgia. Dr. Davis made a motion, seconded by Dr. Martin, to delay approval of Ms. Dorn's application until further information regarding her supervisor's licensure status at the time of the practicum is verified. The motion carried.

The board discussed a letter from **Marzi Radpour-Wiley, Ph.D.** requesting a suspension of her provisional license for maternity leave. Dr. Vaughan made a motion, seconded by Dr. Davis, to suspend Dr. Radpour-Wiley's provisional license per her request. The motion carried.

With no other board business to conduct, Dr. Martin made a motion, seconded by Dr. Vaughan, to adjourn the board meeting at 2:35 p.m. The motion carried.

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